UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,933	07/23/1999	AKIHIRO KOHNO	35.G2429	2145

5514 7590 11/30/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
LEE, RICHARD J	

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/358,933	KOHNO ET AL.	
	Examiner	Art Unit	
	Richard Lee	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6,8,13,15,20,22,27,29-31,33,35 and 36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6,8,13,15,20,22,27,29-31,33,35 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The applicants' arguments from the amendment filed September 15, 2006 have been noted and considered, but are deemed moot in view of the following new grounds of rejections

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 8, 15, 22, 29-31, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman of record (5,396,284) in view of Aoki et al of record (5,424,772) and Jacobsen et al (6,677,936).

Freeman discloses a motion detection system as shown in Figure 1, and substantially the same communication apparatus and method, and computer readable storage medium storing a computer executable program as claimed in claims 1, 8, 15, 22, 29-31, 35, and 36, comprising substantially the same reception unit/process code for receiving frame images generated from image generation units of a plurality of corresponding cameras (i.e., C1-Cn of Figure 1) via a network in a summary mode, in which frame images generated from a plurality of cameras are displayed automatically and independently of users control operation (see column 1, line 13 to column 2, line 41, column 3, lines 4-32), by switching the frame images (i.e., 60 of Figure 1, see column 3, lines 4-32); an output unit/process code for outputting the frame images received by the reception unit in order to display the frame images for each respective camera on a display unit as multiple image displays corresponding respectively to each of the plurality of cameras (i.e., the images from the cameras C1-Cn are simultaneously displayed within selected portions of the monitor screen, see column 3, lines 4-32); assigning unit for assigning an arbitrary image

display from among the multiple image displays, and a control unit for controlling a state of outputting the frame image display assigned by the assigning unit (i.e., as provided by TDM controller 62, see column 3, lines 4-32).

Freeman does not particularly disclose, though, a detection unit for detecting whether or not, for each respective camera, a current frame image displayed by the display unit is updated by a next frame image being received by the reception unit in the summary mode, a notification unit for causing the display unit to display, for each respective one of the multiple image displays, an icon indicating an update state of the received frame images for the respective image display, wherein the icon is displayed on a predetermined area of the display unit at a time when the corresponding frame image is displayed, the notification unit causes a flashing icon to be displayed corresponding to an updating state when the detection unit detects that a current frame image displayed by the display unit is updated by a next frame image, and causes a non-flashing icon to be displayed when the detection unit detects that a current frame image displayed by the display unit is not updated by a next frame image, and wherein in the summary mode, receiving one frame image from the camera corresponds to displaying the flashing icon one time and display of the non-flashing icon corresponds to a period of time between receiving the one frame image from the camera and receiving a subsequent frame image from the camera as claimed in claims 1, 8, 12, 15, 22, 29-31, 35, and 36. However, Aoki et al discloses a mode changing device for still video camera, and teaches the conventional use of the display of an icon to indicate the status of a playback operation of the camera (see column 4, lines 19-36, column 25, lines 16-65), wherein a flashing icon is used to indicate a stand-by condition (i.e., stand-by corresponds to a non-updating state), and wherein a fully illuminated icon is used for the

playback of video (i.e., playback of video corresponds to an updating state). It is to be noted that Aoki et al teaches a flashing icon display for a non-updating state and a fully illuminated icon for the updating state, and not the particular display of a flashing icon corresponding to an updating state when a currently displayed frame image is updated by a next frame image, and display of a non-flashing icon when the currently displayed frame image is not updated by a next frame image as claimed. Such differences between the claimed invention and Aoki et al do not show non-obviousness since one skilled in the art would recognize that the particular different icon displays may be provided for any desire purpose and are only a matter of preference so long as the intended purpose of providing an indication to the view is achieved. Hence it is considered obvious to modify Aoki et al by using the flashing icon display for the updating state and the fully illumination icon for the non-updating state. Having provided the obvious modifications of the non-flashing system within Aoki et al, it is considered obvious that the modified Aoki et al will provide in the summary mode the display of the non-flashing icon corresponding a period of time between receiving the one frame image from the camera and receiving a subsequent frame image from the camera (i.e., fully illuminated icon for the non-updating state), as claimed since such time corresponds to a non-updating state. Also, since Aoki et al teaches that a flashing icon is used to indicate a stand-by condition and a fully illuminated icon is used for the playback of video, it is therefore considered inherent if not obvious that some sort of detection unit must be used so as to detect the status of the current frame and whether the current frame is updated in order to provide the subsequent flashing and fully illuminated icons. Even though Aoki et al teaches a flashing and non-flashing icon, Aoki et al is however silent as to the particular receiving one frame image from the camera corresponds to displaying the flashing icon one time

as claimed. However, Jacobsen et al discloses a color display system for a camera as shown in Figure 2, and teaches the conventional display of the flashing of an LED each time a frame is being presented for display (see column 11, line 59 to column 12, line 24), which such flashing of an LED must inherently if not obvious include some sort of detection unit so as to detect the status of the frames and the updating of the frames in order to ultimately perform the LED flashing function. Also, though a flashing LED system is used within Jacobsen, one skilled in the art would recognize that the particular flashing icon of Aoki et al may be provided instead since this is an obvious variant and only a matter of preference so long as the intended purpose of providing an indication is achieved. Therefore, it would have been obvious to one of ordinary skill in the art, having the Freeman, Aoki et al, and Jacobsen et al references in front of him/her and the general knowledge of the particular notification and display of icon symbols, would have had no difficulty in providing the detection unit for detecting whether or not a current frame image displayed by the display unit is updated by a next frame image being received by the reception unit, and notification unit for displaying a flashing icon symbol corresponding to an updating state when the detection unit detects that a current frame image displayed by the display unit is updated by a next frame image, displaying a non-flashing icon corresponding to a non-updating state when the detection unit detects that a current frame image displayed by the display unit is not updated by a next frame image, and a summary mode for receiving one frame image from the camera corresponds to displaying the flashing icon one time and display of the non-flashing corresponds to a period of time between receiving the one frame image from the camera and receiving a subsequent frame image from the camera as taught in Aoki et al and Jacobsen et al as modified/combined for each of the respective cameras within Freeman for the same well

known notification and display of different symbol icons for the notification purposes as claimed.

4. Claims 1, 8, 15, 22, 29-31, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman of record (5,396,284) in view of Aoki et al of record (5,424,772) and Kondo et al (6,104,864).

Freeman discloses a motion detection system as shown in Figure 1, and substantially the same communication apparatus and method, and computer readable storage medium storing a computer executable program as claimed in claims 1, 8, 15, 22, 29-31, 35, and 36, comprising substantially the same reception unit/process code for receiving frame images generated from image generation units of a plurality of corresponding cameras (i.e., C1-Cn of Figure 1) via a network in a summary mode, in which frame images generated from a plurality of cameras are displayed automatically and independently of users control operation (see column 1, line 13 to column 2, line 41, column 3, lines 4-32), by switching the frame images (i.e., 60 of Figure 1, see column 3, lines 4-32); an output unit/process code for outputting the frame images received by the reception unit in order to display the frame images for each respective camera on a display unit as multiple image displays corresponding respectively to each of the plurality of cameras (i.e., the images from the cameras C1-Cn are simultaneously displayed within selected portions of the monitor screen, see column 3, lines 4-32); assigning unit for assigning an arbitrary image display from among the multiple image displays, and a control unit for controlling a state of outputting the frame image display assigned by the assigning unit (i.e., as provided by TDM controller 62, see column 3, lines 4-32).

Freeman does not particularly disclose, though, a detection unit for detecting whether or not, for each respective camera, a current frame image displayed by the display unit is updated by a next frame image being received by the reception unit in the summary mode, a notification unit for causing the display unit to display, for each respective one of the multiple image displays, an icon indicating an update state of the received frame images for the respective image display, wherein the icon is displayed on a predetermined area of the display unit at a time when the corresponding frame image is displayed, the notification unit causes a flashing icon to be displayed corresponding to an updating state when the detection unit detects that a current frame image displayed by the display unit is updated by a next frame image, and causes a non-flashing icon to be displayed when the detection unit detects that a current frame image displayed by the display unit is not updated by a next frame image, and wherein in the summary mode, receiving one frame image from the camera corresponds to displaying the flashing icon one time and display of the non-flashing icon corresponds to a period of time between receiving the one frame image from the camera and receiving a subsequent frame image from the camera as claimed in claims 1, 8, 12, 15, 22, 29-31, 35, and 36. However, Aoki et al discloses a mode changing device for still video camera, and the conventional use of the display of an icon to indicate the status of a playback operation of the camera (see column 4, lines 19-36, column 25, lines 16-65), wherein a flashing icon is used to indicate a stand-by condition (i.e., stand-by corresponds to a non-updating state), and wherein a fully illuminated icon is used for the playback of video (i.e., playback of video corresponds to an updating state). It is to be noted that Aoki et al teaches a flashing icon display for a non-updating state and a fully illuminated icon for the updating state, and not the particular display of a flashing icon corresponding to an updating state when a

currently displayed frame image is updated by a next frame image, and display of a non-flashing icon when the currently displayed frame image is not updated by a next frame image as claimed. Such differences between the claimed invention and Aoki et al do not show non-obviousness since one skilled in the art would recognize that the particular different icon displays may be provided for any desire purpose and are only a matter of preference so long as the intended purpose of providing an indication to the view is achieved. Hence it is considered obvious to modify Aoki et al by using the flashing icon display for the updating state and the fully illumination icon for the non-updating state. Having provided the obvious modifications of the non-flashing system within Aoki et al, it is considered obvious that the modified Aoki et al will provide in the summary mode the display of the non-flashing icon corresponding a period of time between receiving the one frame image from the camera and receiving a subsequent frame image from the camera (i.e., fully illuminated icon for the non-updating state), as claimed since such time corresponds to a non-updating state. Also, since Aoki et al teaches that a flashing icon is used to indicate a stand-by condition and a fully illuminated icon is used for the playback of video, it is therefore considered inherent if not obvious that some sort of detection unit must be used so as to detect the status of the current frame and whether the current frame is updated in order to provide the subsequent flashing and fully illuminated icons. Even though Aoki et al teaches a flashing and non-flashing icon, Aoki et al is however silent as to the particular receiving one frame image from the camera corresponds to displaying the flashing icon one time as claimed. However, Kondo et al discloses a moving image judging system, and teaches the conventional display of the flashing of an LED each time a frame is being presented for display when measuring the movement of images (see column 16, line 50 to column 17, line 38), which

such flashing of an LED must inherently if not obvious include some sort of detection unit so as to detect the status of the frames and the updating of the frames in order to ultimately perform the LED flashing function. Also, though a flashing LED system is used within Kondo et al, one skilled in the art would recognize that the particular flashing icon of Aoki et al may be provided instead since this is an obvious variant and only a matter of preference so long as the intended purpose of providing an indication is achieved. Therefore, it would have been obvious to one of ordinary skill in the art, having the Freeman, Aoki et al, and Kondo et al references in front of him/her and the general knowledge of the particular notification and display of icon symbols, would have had no difficulty in providing the detection unit for detecting whether or not a current frame image displayed by the display unit is updated by a next frame image being received by the reception unit, and notification unit for displaying a flashing icon symbol corresponding to an updating state when the detection unit detects that a current frame image displayed by the display unit is updated by a next frame image, displaying a non-flashing icon corresponding to a non-updating state when the detection unit detects that a current frame image displayed by the display unit is not updated by a next frame image, and a summary mode for receiving one frame image from the camera corresponds to displaying the flashing icon one time and display of the non-flashing corresponds to a period of time between receiving the one frame image from the camera and receiving a subsequent frame image from the camera as taught in Aoki et al and Kondo et al as modified/combined for each of the respective cameras within Freeman for the same well known notification and display of different symbol icons for the notification purposes as claimed.

5. Claims 6, 13, 20, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman, Aoki et al, and Jacobsen et al as applied to claims 1, 8, 15, 22, 29-31, 35, and 36 in the above paragraph (3), and further in view of Yamaashi et al of record (5,621,429).

The combination of Freeman, Aoki et al, and Jacobsen et al discloses substantially the same communication apparatus and method, and computer readable storage medium storing a computer executable program as above, but does not particularly disclose wherein the notification unit does not perform notification when a frame rate is high, and performs notification when the frame rate is reduced as claimed in claims 6, 13, 20, 27, and 33. However, Yamaashi et al teaches keeping track of the "frame rate" of the received image data, i.e. the state of distribution, based on the bandwidth capacity, and the changes in the display information in accordance to the bandwidth capacity, as well as notifying and changing the display information in accordance to high and low priority of image area interests, which is substantially equivalent or has the capacity to perform notification in accordance to high or reduced frame rate as claimed (see Abstract, col. 7, line 24-38, line 64 to col. 8, line 18, col. 8, line 28-47, col. 12, line 34 to col. 13, line 12, line 57 to col. 14, line 11). Although Yamaashi et al does not recommend not performing a notification when the frame rate is high, only when the frame rate is low, it is viewed that such added feature would have been an obvious variant to achieve a desirable effect since Yamaashi et al already has the framework for performing a notification based on a frame rate. Therefore, taking the combined teachings of Freeman, Aoki et al, Jacobsen et al, and Yamaashi as a whole, one skilled in the art would have found it obvious to modify the system of Freeman and Aoki et al to include notification and changes to the display state in accordance to the frame rate as claimed. Doing so would have resulted in more flexibility and efficiency in

bandwidth capacity and also flexibility in changing display states of image information as taught in Yamaashi (col. 2, lines 5-9).

6. Claims 6, 13, 20, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman, Aoki et al, and Kondo et al as applied to claims 1, 8, 15, 22, 29-31, 35, and 36 in the above paragraph (4), and further in view of Yamaashi et al of record (5,621,429).

The combination of Freeman, Aoki et al, and Kondo et al discloses substantially the same communication apparatus and method, and computer readable storage medium storing a computer executable program as above, but does not particularly disclose wherein the notification unit does not perform notification when a frame rate is high, and performs notification when the frame rate is reduced as claimed in claims 6, 13, 20, 27, and 33. However, Yamaashi et al teaches keeping track of the "frame rate" of the received image data, i.e. the state of distribution, based on the bandwidth capacity, and the changes in the display information in accordance to the bandwidth capacity, as well as notifying and changing the display information in accordance to high and low priority of image area interests, which is substantially equivalent or has the capacity to perform notification in accordance to high or reduced frame rate as claimed (see Abstract, col. 7, line 24-38, line 64 to col. 8, line 18, col. 8, line 28-47, col. 12, line 34 to col. 13, line 12, line 57 to col. 14, line 11). Although Yamaashi et al does not recommend not performing a notification when the frame rate is high, only when the frame rate is low, it is viewed that such added feature would have been an obvious variant to achieve a desirable effect since Yamaashi et al already has the framework for performing a notification based on a frame rate. Therefore, taking the combined teachings of Freeman, Aoki et al, Kondo et al, and Yamaashi as a whole, one skilled in the art would have found it obvious to modify the system of

Freeman and Aoki et al to include notification and changes to the display state in accordance to the frame rate as claimed. Doing so would have resulted in more flexibility and efficiency in bandwidth capacity and also flexibility in changing display states of image information as taught in Yamaashi (col. 2, lines 5-9).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

11/22/06